

October 4, 2019

**Via ECF**

Hon. Vernon S. Broderick  
U.S. District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: ***Scalia v. Wilmington Trust, N.A.*, No. 1:17-cv-6325-VSB-KNF<sup>1</sup>**  
**Third Joint Letter re: Notice of Settlement in Principle and Request to  
Extend Deadlines**

Dear Judge Broderick:

Plaintiff Eugene Scalia, U.S. Secretary of Labor, and Defendant Wilmington Trust, N.A., write to request a third extension of the briefing schedule on Wilmington's Motion for Partial Summary Judgment so that the parties can continue efforts to finalize their settlement. The Court granted the parties' second extension request on August 19, 2019, making the Secretary's opposition brief due on October 19, 2019 and Wilmington's reply due on November 9, 2019. Dkt No. 93. The parties have been working diligently to finalize the terms of their settlement and have exchanged drafts of the final settlement documents, but still are negotiating a number of outstanding items and do not anticipate reaching a final agreement by October 19.

Accordingly, the parties request that the Court extend the briefing schedule on Wilmington's Motion for Partial Summary Judgment by an additional 41 days, thus making the Secretary's opposition brief due on November 29, 2019, and Wilmington's reply due on December 20, 2019.

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<sup>1</sup> R. Alexander Acosta resigned as Secretary of Labor, effective July 19, 2019. Eugene Scalia was sworn in as the Secretary of Labor on September 30, 2019, and is automatically substituted pursuant to Fed. R. Civ. P. 25(d).

Respectfully Submitted,

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